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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,938	10/31/2001	Salvatore Albani	UCSD1360-1	8878

7590 05/18/2004

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EXAMINER

EWOLDT, GERALD R

ART UNIT PAPER NUMBER

1644

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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504


DATE MAILED:

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**Commissioner for Patents**

1. In the Response to Restriction Requirement, filed 2/23/04, Applicant elected Group II with traverse. Applicant also elected the peptide species SEQ ID NO:2 and the disease species arthritis. Applicant failed, however, to indicate which claims Applicant believes read on the elected species. Accordingly, the response is considered to be non-responsive. Additionally, it is difficult to ascertain whether certain claims actually are intended to be included in the elected method of tolerizing employing a dnaJ heat shock protein. For example, Claim 15, employing an anti-inflammatory peptide, depends on Claim 13, which recites a method of inducing of an inflammatory response. Also see Claims 53-56 wherein an immunoadjuvant is employed. Immunoadjuvants are generally used to induce an immune response (as opposed to tolerizing), yet Claim 55 recites employing an anti-inflammatory cytokine. Applicant's assistance in clarifying which claims are part of the elected method would expedite prosecution and be appreciated.
2. Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (571) 272-0843. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

G.R. Ewoldt, Ph.D.  
Primary Examiner  
Tech Center 1600

  
5/17/04  
**G.R. EWOLDT, PH.D.**  
**PRIMARY EXAMINER**